

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

PERCY EDWARD WILSON,

§

Petitioner,

§

VS.

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NO. 4:06-CV-473-A

NATHANIEL QUARTERMAN, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL
INSTITUTIONS DIVISION,

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Respondent.

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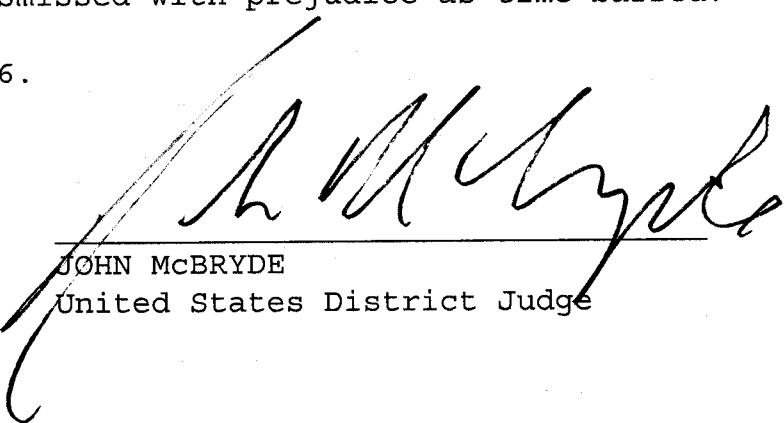
ORDER

On July 7, 2006, petitioner, Percy Edward Wilson, filed his petition for writ of habeas corpus pursuant to the authority of 28 U.S.C. § 2254. Petitioner is in custody of respondent, Nathaniel Quarterman, Director, Texas Department of Criminal Justice, Correctional Institutions Division, pursuant to a ninety-eight-year sentence petitioner received November 5, 2003, in the District Court of Hood County, Texas, 355th Judicial District. Petitioner's petition was referred to United States Magistrate Judge Charles Bleil for findings, conclusions, and recommendation. On September 19, 2006, Judge Bleil issued his findings, conclusions, and recommendation. Petitioner objected thereto by document filed October 6, 2006.

Judge Bleil concluded that petitioner's petition was time-barred, and should be dismissed with prejudice as time-barred. As well as the court can decipher petitioner's objection, he maintains that Judge Bleil was mistaken in including in his calculation of petitioner's deadline for filing a § 2254 petition the time that elapsed between the date when petitioner's judgment of conviction and sentence became final and the date when petitioner filed a state court petition for writ of habeas corpus. The court has concluded that the magistrate judge made proper calculations in reaching the conclusion that petitioner's petition was time-barred. Therefore,

The court accepts the findings, conclusions, and recommendation of Magistrate Judge Bleil, and ORDERS that petitioner's petition be dismissed with prejudice as time-barred.

SIGNED October 27, 2006.


JOHN McBRYDE
United States District Judge